



IOWA ADMINISTRATIVE BULLETIN

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Pages 313 to 352

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PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other “materials deemed fitting and proper by the Administrative Rules Review Committee” include summaries of Public Hearings, Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers’ Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)“a”]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

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SUBSCRIPTION INFORMATION

Iowa Administrative Bulletin

The Iowa Administrative Bulletin is sold as a separate publication and may be purchased by subscription or single copy. All subscriptions will expire on June 30 of each year. Subscriptions must be paid in advance and are prorated quarterly.

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Des Moines, IA 50319
Telephone: (515)281-3568

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

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CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC (chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79	(Chapter)
441 IAC 79.1(249A)	(Rule)
441 IAC 79.1(1)	(Subrule)
441 IAC 79.1(1)"a"	(Paragraph)
441 IAC 79.1(1)"a"(1)	(Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication date), (page number), (ARC number).

IAB Vol. XII, No. 23 (5/16/90) p. 2050, ARC 872A

Schedule for Rule Making 2003

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Jan. 3 '03	Jan. 22 '03	Feb. 11 '03	Feb. 26 '03	Feb. 28 '03	Mar. 19 '03	Apr. 23 '03	July 21 '03
Jan. 17	Feb. 5	Feb. 25	Mar. 12	Mar. 14	Apr. 2	May 7	Aug. 4
Jan. 31	Feb. 19	Mar. 11	Mar. 26	Mar. 28	Apr. 16	May 21	Aug. 18
Feb. 14	Mar. 5	Mar. 25	Apr. 9	Apr. 11	Apr. 30	June 4	Sept. 1
Feb. 28	Mar. 19	Apr. 8	Apr. 23	Apr. 25	May 14	June 18	Sept. 15
Mar. 14	Apr. 2	Apr. 22	May 7	May 9	May 28	July 2	Sept. 29
Mar. 28	Apr. 16	May 6	May 21	May 23	June 11	July 16	Oct. 13
Apr. 11	Apr. 30	May 20	June 4	June 6	June 25	July 30	Oct. 27
Apr. 25	May 14	June 3	June 18	June 20	July 9	Aug. 13	Nov. 10
May 9	May 28	June 17	July 2	July 4	July 23	Aug. 27	Nov. 24
May 23	June 11	July 1	July 16	July 18	Aug. 6	Sept. 10	Dec. 8
June 6	June 25	July 15	July 30	Aug. 1	Aug. 20	Sept. 24	Dec. 22
June 20	July 9	July 29	Aug. 13	Aug. 15	Sept. 3	Oct. 8	Jan. 5 '04
July 4	July 23	Aug. 12	Aug. 27	Aug. 29	Sept. 17	Oct. 22	Jan. 19 '04
July 18	Aug. 6	Aug. 26	Sept. 10	Sept. 12	Oct. 1	Nov. 5	Feb. 2 '04
Aug. 1	Aug. 20	Sept. 9	Sept. 24	Sept. 26	Oct. 15	Nov. 19	Feb. 16 '04
Aug. 15	Sept. 3	Sept. 23	Oct. 8	Oct. 10	Oct. 29	Dec. 3	Mar. 1 '04
Aug. 29	Sept. 17	Oct. 7	Oct. 22	Oct. 24	Nov. 12	Dec. 17	Mar. 15 '04
Sept. 12	Oct. 1	Oct. 21	Nov. 5	Nov. 7	Nov. 26	Dec. 31	Mar. 29 '04
Sept. 26	Oct. 15	Nov. 4	Nov. 19	***Nov. 19***	Dec. 10	Jan. 14 '04	Apr. 12 '04
Oct. 10	Oct. 29	Nov. 18	Dec. 3	Dec. 5	Dec. 24	Jan. 28 '04	Apr. 26 '04
Oct. 24	Nov. 12	Dec. 2	Dec. 17	***Dec. 17***	Jan. 7 '04	Feb. 11 '04	May 10 '04
Nov. 7	Nov. 26	Dec. 16	Dec. 31	Jan. 2 '04	Jan. 21 '04	Feb. 25 '04	May 24 '04
Nov. 19	Dec. 10	Dec. 30	Jan. 14 '04	Jan. 16 '04	Feb. 4 '04	Mar. 10 '04	June 7 '04
Dec. 5	Dec. 24	Jan. 13 '04	Jan. 28 '04	Jan. 30 '04	Feb. 18 '04	Mar. 24 '04	June 21 '04
Dec. 17	Jan. 7 '04	Jan. 27 '04	Feb. 11 '04	Feb. 13 '04	Mar. 3 '04	Apr. 7 '04	July 5 '04
Jan. 2 '04	Jan. 21 '04	Feb. 10 '04	Feb. 25 '04	Feb. 27 '04	Mar. 17 '04	Apr. 21 '04	July 19 '04

PRINTING SCHEDULE FOR IAB

<u>ISSUE NUMBER</u>	<u>SUBMISSION DEADLINE</u>	<u>ISSUE DATE</u>
7	Friday, September 12, 2003	October 1, 2003
8	Friday, September 26, 2003	October 15, 2003
9	Friday, October 10, 2003	October 29, 2003

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

*****Note change of filing deadline*****

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. Bates, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

The Administrative Code Division uses QuickSilver XML Publisher, version 1.5.3, to publish the Iowa Administrative Bulletin and can import documents directly from most other word processing systems, including Microsoft Word, Word for Windows (Word 7 or earlier), and WordPerfect.

1. To facilitate the publication of rule-making documents, we request that you send your document(s) as an attachment(s) to an E-mail message, addressed to both of the following:

bruce.carr@legis.state.ia.us and
kathleen.bates@legis.state.ia.us

2. Alternatively, you may send a PC-compatible diskette of the rule making. Please indicate on each diskette the following information: agency name, file name, format used for exporting, and chapter(s) amended. Diskettes may be delivered to the Administrative Code Division, Third Floor West, Ola Babcock Miller Building, or included with the documents submitted to the Governor's Administrative Rules Coordinator.

Please note that changes made prior to publication of the rule-making documents are reflected on the hard copy returned to agencies, but not on the diskettes; diskettes are returned unchanged.

Your cooperation helps us print the Bulletin more quickly and cost-effectively than was previously possible and is greatly appreciated.

IOWA ADMINISTRATIVE RULES and IOWA COURT RULES on CD-ROM

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The Administrative Rules Review Committee will hold its regular, statutory meeting on Tuesday, September 9, 2003, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

NOTE: See also Agenda published in the August 20, 2003, Iowa Administrative Bulletin.

EMERGENCY MANAGEMENT DIVISION[605]

PUBLIC DEFENSE DEPARTMENT[601]"umbrella"

Local emergency management commissions, 7.3(4)"d,"

Notice **ARC 2737B**, also Filed Emergency **ARC 2738B** 9/3/03

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Controlling air pollution—exemptions for certain equipment,

22.1(2)"u" and "v," Filed **ARC 2736B** 9/3/03

IOWA FINANCE AUTHORITY[265]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]"umbrella"

General, ch 1, Notice **ARC 2718B** 9/3/03

Low-income housing tax credits—2004 qualified allocation plan,

12.1, 12.2, Filed **ARC 2719B** 9/3/03

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Bait dealer licenses—definitions of "retail" and "wholesale,"

15.1(1), Notice **ARC 2728B** 9/3/03

Use of decoys and stationary blinds on pools 16, 17, and 18

of the Mississippi River, 51.5(1), 51.5(3), 51.5(4),

Filed Emergency After Notice **ARC 2727B** 9/3/03

Clear Lake State Park, ritz unit, added to after-hours fishing list,

61.9(4) to 61.9(21), Filed **ARC 2735B** 9/3/03

Bobcat removed from list of threatened species, 77.2(2), Notice **ARC 2733B** 9/3/03

Fishing regulations, 81.1, 81.2(1), 81.2(3), 81.2(12)"b," Notice **ARC 2730B** 9/3/03

Shovelnose sturgeon removed from and silver carp added to list

of permissive catch on the Missouri River, 82.2(1), Notice **ARC 2731B** 9/3/03

Taking and possession of mussels for sport, 87.2, Notice **ARC 2729B** 9/3/03

Waterfowl and coot hunting seasons, 91.1, 91.3, 91.4(1),

91.4(2)"i" and "k," 91.6, Filed Emergency After Notice **ARC 2726B** 9/3/03

Antlerless-only deer licenses for nonresidents, 94.8(2), Notice **ARC 2732B** 9/3/03

Wild turkey spring hunting—legal weapon for bow hunting,

98.2(1)"b," Notice **ARC 2734B** 9/3/03

PROFESSIONAL LICENSURE DIVISION[645]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Cosmetology arts and sciences examiners, 59.4(2), 59.4(3), 59.6(3), 59.6(4),

60.11, 60.12, 61.5 to 61.23, 62.1(5), 63.3, ch 65, Filed **ARC 2721B** 9/3/03

Hearing aid dispensers examiners, 120.4(2), 120.4(3), 120.6(3), 120.6(4), 121.12,

121.13, ch 124, Filed **ARC 2722B** 9/3/03

Social work examiners, 279.4(2), 279.4(3), 279.6(3), 279.6(4), 280.12, 280.13,

chs 282 to 284, Filed **ARC 2723B** 9/3/03

Speech pathology and audiology examiners, 299.4(2), 299.4(3), 299.6(3),

299.6(4), 300.12(6), 300.13, 300.14, 303.6"2" and "3,"

ch 304, Filed **ARC 2720B** 9/3/03

REAL ESTATE COMMISSION[193E]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]"umbrella"

Trust accounts and closings, 13.1(2), 13.1(3),

13.1(11), Notice **ARC 2429B** Terminated **ARC 2739B** 9/3/03

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Second payment agreements, 19.4(10)"c," 20.4(11)"c," Notice **ARC 2724B** 9/3/03
 Temperature trigger for cold weather protections, 19.4(15)"h"(5),

19.4(15)"i," 20.4(15)"h"(6), 20.4(15)"i," Notice **ARC 2725B** 9/3/03

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 2007.

Senator Jeff Angelo
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 Creston, Iowa 50801

Senator Michael Connolly
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 Dubuque, Iowa 52002

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 Emmetsburg, Iowa 50536

Senator Paul McKinley
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 Chariton, Iowa 50049

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 Emmetsburg, Iowa 50536

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 Mt. Pleasant, Iowa 52641

Representative Mark Kuhn
 2667 240th Street
 Charles City, Iowa 50616

Brian Gentry
Administrative Rules Coordinator
 Governor's Ex Officio Representative
 Capitol, Room 11
 Des Moines, Iowa 50319

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)“b” by allowing the opportunity for oral presentation (hearing) to be held at least **twenty** days after publication of Notice in the Iowa Administrative Bulletin.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
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ADMINISTRATIVE SERVICES DEPARTMENT[11]

Procurement of goods and services of general use, rescind 401—chs 7 to 9; adopt 11—ch 105 IAB 8/20/03 ARC 2708B	General Services Director's Conference Room Level A Hoover State Office Bldg. Des Moines, Iowa	September 11, 2003 11 a.m.
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EDUCATIONAL EXAMINERS BOARD[282]

Endorsement for PK-12 principal and PK-12 supervisor of special education, 14.142(1), 14.142(2) IAB 8/6/03 ARC 2669B	Room 2 South Grimes State Office Bldg. Des Moines, Iowa	September 9, 2003 3 p.m.
Paraeducator certificates—competencies, school library media concentration, 22.6(5), 22.7, 22.13(1) IAB 8/20/03 ARC 2715B	Room 3 South Grimes State Office Bldg. Des Moines, Iowa	September 24, 2003 1 p.m.

EMERGENCY MANAGEMENT DIVISION[605]

Local emergency management commissions, 7.3(4) IAB 9/3/03 ARC 2737B (See also ARC 2738B herein)	Division Conference Room, Level A Hoover State Office Bldg. Des Moines, Iowa	September 24, 2003 9 a.m.
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ENVIRONMENTAL PROTECTION COMMISSION[567]

Concrete standards for formed manure storage structures, 65.15(14) IAB 8/20/03 ARC 2716B	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 11, 2003 1 p.m.
Waste tire management—authority for enforcement actions and penalties, 117.1 to 117.8 IAB 8/20/03 ARC 2717B	Fifth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 10, 2003 10 a.m.

HUMAN SERVICES DEPARTMENT[441]

Adoption subsidy program, 130.3(3), 201.1, 201.3 to 201.6 IAB 8/20/03 ARC 2701B	DHS Conference Rm., Second Floor 126 S. Kellogg St. Ames, Iowa	September 10, 2003 9:30 a.m.
	Seventh Floor Conference Room Iowa Bldg. 411 Third St. SE Cedar Rapids, Iowa	September 10, 2003 2 p.m.
	ICN Room 417 E. Kanessville Blvd. Council Bluffs, Iowa	September 10, 2003 10 a.m.

HUMAN SERVICES DEPARTMENT[441] (Cont'd)

Conference Rooms 605A and 605B Scott County Administrative Center 428 Western Ave. Davenport, Iowa	September 10, 2003 1 p.m.
Conference Room 105 City View Plaza 1200 University Des Moines, Iowa	September 12, 2003 9 a.m.
Third Floor Conference Room Nesler Centre 799 Main St. Dubuque, Iowa	September 10, 2003 9 a.m.
Third Floor Conference Room J Trosper-Hoyt Bldg. 822 Douglas St. Sioux City, Iowa	September 10, 2003 1 p.m.
Room 220 Pinecrest Office Bldg. 1407 Independence Ave. Waterloo, Iowa	September 11, 2003 10 a.m.

MEDICAL EXAMINERS BOARD[653]

Standards of practice and principals of medical ethics, 13.7, 13.10, 13.20, 13.21; rescind ch 18 IAB 8/20/03 ARC 2707B	Suite C 400 SW Eighth St. Des Moines, Iowa	September 9, 2003 4 p.m.
Iowa physician health committee, 14.2, 14.3, 14.5, 14.7(1), 14.9(3), 14.10, 14.11 IAB 8/20/03 ARC 2704B	Suite C 400 SW Eighth St. Des Moines, Iowa	September 9, 2003 2:30 p.m.
Physician supervision of a physician assistant, 21.1 to 21.5 IAB 8/20/03 ARC 2705B	Suite C 400 SW Eighth St. Des Moines, Iowa	September 9, 2003 2 p.m.

NATURAL RESOURCE COMMISSION[571]

Wholesale and retail bait dealers' licenses, 15.1(1) IAB 9/3/03 ARC 2728B	Fourth Floor West Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 23, 2003 9 a.m.
Removal of bobcat from list of threatened species, 77.2(2) IAB 9/3/03 ARC 2733B	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 25, 2003 11 a.m.
Fishing regulations, 81.1, 81.2 IAB 9/3/03 ARC 2730B	Musser Public Library 304 Iowa Ave. Muscatine, Iowa	September 25, 2003 7 p.m.
	Hadley Auditorium University of Dubuque 2000 University Dr. Dubuque, Iowa	September 30, 2003 7 p.m.

NATURAL RESOURCE COMMISSION[571] (Cont'd)

	Board of Supervisors Room Clinton County Administrative Bldg. 1900 N. Third Clinton, Iowa	October 1, 2003 7 p.m.
Permissive catch on Missouri River, 82.2(1) IAB 9/3/03 ARC 2731B	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	October 7, 2003 1 p.m.
Taking and possession of mussels for sport, 87.2 IAB 9/3/03 ARC 2729B	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	October 7, 2003 1:30 p.m.
Antlerless-only deer licenses for nonresidents, 94.8(2) IAB 9/3/03 ARC 2732B	Fourth Floor Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 30, 2003 2 p.m.
Wild turkey spring hunting— archery-only license, 98.2(1) IAB 9/3/03 ARC 2734B	Fourth Floor East Conference Room Wallace State Office Bldg. Des Moines, Iowa	September 25, 2003 10 a.m.

PROFESSIONAL LICENSURE DIVISION[645]

Barber examiners, amendments to chs 20 to 24; ch 25; 26.1 IAB 8/20/03 ARC 2703B	Fifth Floor Board Conference Room Lucas State Office Bldg. Des Moines, Iowa	September 10, 2003 9 to 11 a.m.
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TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]

Purchasing, 5.1 to 5.4, 5.12, 5.13, 5.15, 5.17 to 5.19 IAB 8/20/03 ARC 2697B	Thompson Conference Room Building W-4 Camp Dodge Johnston, Iowa	September 9, 2003 1 p.m.
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TRANSPORTATION DEPARTMENT[761]

Iowa transportation map, ch 28 IAB 8/20/03 ARC 2688B	South Conference Room, First Floor Administration Bldg. 800 Lincoln Way Ames, Iowa	September 11, 2003 10 a.m. (If requested)
Interstate registration and operation of vehicles—electronic information, 500.24 IAB 8/20/03 ARC 2689B	DOT Conference Room Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	September 11, 2003 1 p.m. (If requested)
Regulations applicable to carriers, 520.1, 520.5, 520.6 IAB 8/20/03 ARC 2690B	DOT Conference Room Park Fair Mall 100 Euclid Ave. Des Moines, Iowa	September 11, 2003 10 a.m. (If requested)

UTILITIES DIVISION[199]

Second payment agreements, 19.4(10), 20.4(11) IAB 9/3/03 ARC 2724B	Hearing Room 350 Maple St. Des Moines, Iowa	November 6, 2003 10 a.m.
Temperature trigger for cold weather protections, 19.4(15), 20.4(15) IAB 9/3/03 ARC 2725B	Hearing Room 350 Maple St. Des Moines, Iowa	October 14, 2003 10 a.m.
Intrastate access service charges, 22.14(2) IAB 8/6/03 ARC 2680B	Hearing Room 350 Maple St. Des Moines, Iowa	September 23, 2003 10 a.m.
Iowa broadband initiative, ch 43 IAB 7/23/03 ARC 2620B	Hearing Room 350 Maple St. Des Moines, Iowa	October 21, 2003 10 a.m.

WORKFORCE DEVELOPMENT DEPARTMENT[871]

Benefit payment control, amendments to chs 25, 42 IAB 8/20/03 ARC 2696B	1000 E. Grand Ave. Des Moines, Iowa	September 9, 2003 9:30 a.m.
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Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]
AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Agricultural Development Authority[25]

Soil Conservation Division[27]

ATTORNEY GENERAL[61]

AUDITOR OF STATE[81]

BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]

CAPITAL INVESTMENT BOARD, IOWA[123]

CITIZENS’ AIDE[141]

CIVIL RIGHTS COMMISSION[161]

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ARC 2737B**EMERGENCY MANAGEMENT
DIVISION[605]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 29C.8, the Emergency Management Division proposes to amend Chapter 7, “Local Emergency Management,” Iowa Administrative Code.

The rules in Chapter 7 describe the organization, duties and responsibilities of local emergency management commissions.

These amendments implement changes in the countywide comprehensive emergency operations planning requirements for local emergency management commissions by setting forth a specific date for meeting the planning requirements and refining processes for the review and amendment of these plans.

Consideration will be given to all written suggestions or comments on the proposed amendments on or before September 23, 2003. Such written materials should be sent to the Administrator, Iowa Emergency Management Division, Hoover State Office Building, Des Moines, Iowa 50319, or by facsimile to (515)281-7539.

Also, there will be a public hearing on September 24, 2003, at 9 a.m. (local Iowa time) in the Emergency Management Division Conference Room, Hoover State Office Building, Level A, Des Moines, Iowa, at which time persons may present their views. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Emergency Management Division and advise of specific needs.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 2738A**. The content of that submission is incorporated by reference.

These amendments are intended to implement Iowa Code sections 29C.8 and 29C.9.

ARC 2718B**IOWA FINANCE AUTHORITY[265]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3(1) and 16.5(17), the Iowa Finance Authority hereby gives Notice of Intended Action to rescind Chapter 1, “General,” Iowa

Administrative Code, and to adopt a new Chapter 1 with the same title.

This amendment replaces the current Chapter 1 with a revised chapter concerning general matters of the Iowa Finance Authority (Authority). These revisions are being made consistent with Executive Order Number 8 issued by the Governor on September 14, 1999.

New Chapter 1 details the mission, organization, programs and operations of the Authority, including the office where and the means by which interested persons may obtain information and make submissions or requests.

This chapter does not provide for waivers. Persons seeking waivers must petition the Authority for a waiver in the manner set forth under 265—Chapter 18.

The Authority will receive written comments on the proposed amendment until 4 p.m. on September 23, 2003. Comments may be addressed to James Smith, Iowa Finance Authority, 100 East Grand, Suite 250, Des Moines, Iowa 50309. Comments may also be faxed to James Smith at (515)242-4957 or may be E-mailed to james.smith@ifa.state.ia.us. Persons who wish to comment orally should contact James Smith at (515)242-4990.

This amendment is intended to implement Iowa Code sections 17A.3(1) and 16.5(17).

The following amendment is proposed.

Rescind 265—Chapter 1 and adopt the following **new** chapter in lieu thereof:

**CHAPTER 1
GENERAL**

265—1.1(16) Purpose. This chapter describes the mission, organization, programs and operations of the Iowa finance authority (authority), including the office where and the means by which interested persons may obtain information and make submissions or requests.

265—1.2(16) Mission. The authority was established in 1975 pursuant to Iowa Code chapter 16. The mission of the authority is to finance, administer, advance and preserve affordable housing and to promote community and economic development for Iowans.

265—1.3(16) Organization, programs and operations.

1.3(1) Location. The main office of the authority is located at 100 East Grand Avenue, Suite 250, Des Moines, Iowa 50309. Office hours for the authority are 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

The title guaranty division (division) of the authority is located at 200 East Grand Avenue, Suite 350, Des Moines, Iowa 50309. Office hours for the division are 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Additional information concerning the division can be found in Chapter 9 of the authority’s administrative rules (265—Chapter 9).

The authority’s Web site address is www.ifahome.com, and its telephone and facsimile numbers are: (515)242-4990 (general); 1-800-432-7230 (toll-free); (515)242-4864 (TTY); and (515)242-4957 (facsimile).

1.3(2) Authority board and staff. The powers of the authority are vested in and exercised by a board of nine members, appointed by the governor and subject to confirmation by the senate. A chairperson, vice-chairperson and treasurer are elected annually by the members, generally at the July board meeting each year. Authority staff consists of an executive director, also appointed by the governor and sub-

IOWA FINANCE AUTHORITY[265](cont'd)

ject to confirmation by the senate, and additional staff as approved by the executive director.

1.3(3) Meetings. Regular meetings of the authority shall be held on the first Wednesday of each month, unless another time of meeting is designated by the authority. Meetings may also be held at the call of the chairperson or whenever two members so request. The purposes of such meetings shall be to review progress in implementation and administration of authority programs, to consider and act upon proposals for authority assistance, to establish policy as needed, and to take other actions as necessary and appropriate. The authority will give advance public notice of the specific date, time and place of each authority meeting, and will post the tentative agenda for each meeting at the main office of the authority, as well as on the authority's Web site at least 24 hours before commencement of the meeting. Meetings may occasionally be conducted by electronic means. Any interested party may attend and observe board meetings except for any portion of a meeting that may be closed pursuant to Iowa Code section 21.5. Minutes of meetings are available for viewing at the authority's offices or via the authority's Web site. Five members of the board constitute a quorum and the affirmative vote of a majority of the appointed board members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest, and a statement of a conflict of interest shall be conclusive for this purpose.

1.3(4) Programs of the authority. The authority's program subdivisions include: housing, economic development, state revolving fund, and title guaranty division. The authority operates the following programs, among others (this list is not exhaustive), under these subdivisions:

a. Housing: FirstHome, FirstHome Plus, Housing Assistance Fund, Iowa Housing Assistance Program, Low-Income Housing Tax Credits, Mortgage Credit Certificates (MCCs), Multifamily Preservation Loans, State Housing Trust Fund and Section 8 Contract Administration.

b. Economic development: Main Street Revitalization Loans, Economic Development Loans and Private Activity Bond Cap Allocation.

c. State revolving fund: Iowa Water Pollution Control and Drinking Water Facilities Financing Program.

d. Title guaranty division: Issuance of Title Guaranty Certificates.

1.3(5) Administration of programs. The authority may adopt manuals, instructions or other statements as necessary to assist its employees in administering its programs and to permit persons and organizations to participate in such programs. Copies of all such manuals, instructions and other statements shall be kept in the authority's offices and are available for public inspection unless excepted under applicable law.

265—1.4(16) Location where the public may submit requests or obtain information. Requests for assistance, information, inquiries, submissions, petitions and other requests may be directed to the authority at the address set forth in subrule 1.3(1). Requests may be made personally or by telephone, mail, E-mail or any other medium available.

265—1.5(16) Forms. The executive director shall prepare and, as needed, revise and amend such forms as necessary for administration of authority programs. The number and type of forms shall be sufficient to safeguard the interests of the authority. The authority shall annually assess the effectiveness of its administrative procedures, including all forms, and make any modifications which, in the judgment of the author-

ity, are necessary or would facilitate efficient authority operations.

These rules are intended to implement Iowa Code sections 17A.3(1) and 16.5(17).

ARC 2728B**NATURAL RESOURCE COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 456A.24(14) and 481A.134, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 15, “General License Restrictions,” Iowa Administrative Code.

This amendment provides definitions for the licensing terms “wholesale” and “retail.” These definitions are necessary to clearly define the newly created retail and wholesale bait dealers' licenses as listed in Iowa Code section 483A.1 as amended by 2003 Iowa Acts, House File 680.

Any interested person may make written comments on this proposed amendment on or before September 23, 2003. Such written materials should be directed to the Law Enforcement Bureau, Department of Natural Resources, Wallace State Office Building, 502 East 9th, Des Moines, Iowa 50319-0034. Persons who wish to convey their views orally should contact Steve Derrand of the Law Enforcement Bureau at (515)281-4515.

A public hearing will be held on September 23, 2003, at 9 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code section 456A.24(14).

The following amendment is proposed.

Amend subrule **15.1(1)** by adopting the following new definitions in alphabetical order:

Retail. Retail means the sale of goods or commodities to the ultimate consumer, as opposed to the sale of goods or commodities for further distribution or processing.

Wholesale. Wholesale means the sale of goods or commodities for resale by a retailer, as opposed to the sale of goods or commodities to the ultimate consumer.

ARC 2733B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 77, “Endangered and Threatened Plant and Animal Species,” Iowa Administrative Code.

Chapter 77 lists plant and animal species whose continued existence within Iowa have been found to be endangered, threatened or of special concern. The amendment removes the bobcat from the list of threatened species. Information documenting the increase in bobcat populations in Iowa may be found on the Wildlife Bureau’s Web site at www.iowadnr.com/wildlife.

Any interested person may make written suggestions or comments on the amendment on or before September 25, 2003. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on September 25, 2003, at 11 a.m. in the Fourth Floor East Conference Room, Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendment is proposed.

Amend subrule **77.2(2)**, species category “Mammals,” as follows:

Mammals

Least Shrew	Cryptotis parva
Southern Bog Lemming	Synaptomys cooperi
Bobcat	Lynx rufus

ARC 2730B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 81, “Fishing Regulations,” Iowa Administrative Code.

The proposed amendments establish panfish bag limits, special walleye/sauger regulations, and three seasonally closed areas on the Mississippi River as well as a 15-inch minimum size limit on walleye at Viking Lake.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 8, 2003. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be three public hearings as follows:

September 25, 2003 7 p.m.	Musser Public Library 304 Iowa Avenue Muscatine, Iowa
September 30, 2003 7 p.m.	University of Dubuque Hadley Auditorium 2000 University Drive Dubuque, Iowa
October 1, 2003 7 p.m.	Clinton County Administrative Building Board of Supervisors Room 1900 N. 3rd Clinton, Iowa

At the public hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.67 and 481A.76.

The following amendments are proposed.

NATURAL RESOURCE COMMISSION[571](cont'd)

ITEM 1. Amend rule 571—81.1(481A) as follows:

571—81.1(481A) Seasons, territories, daily bag limits, possession limits, and length limits.

KIND OF FISH	INLAND WATERS OF THE STATE				BOUNDARY RIVERS
	OPEN SEASON	DAILY BAG LIMIT	POSSESSION LIMIT	MINIMUM LENGTH LIMITS	MISSISSIPPI RIVER MISSOURI RIVER BIG SIOUX RIVER
Rock Sturgeon	Closed	0	0		Same as inland waters
Paddlefish*	Continuous	2	4	None	Same as inland waters
Yellow Perch	Continuous	25	50	None	Same as inland waters except no bag or possession limit in the Mississippi and Missouri Rivers River.
Trout	Continuous	5	10	None*	Same as inland waters
8 Lakes					
Catfish*	Continuous	15 Streams	30	None	Same as inland waters except no bag or possession limit in Mississippi River
Black Bass (Largemouth Bass) (Smallmouth Bass) (Spotted Bass)	Continuous	3 In Aggregate	6	See below*	Continuous open season; aggregate daily bag limit 5, aggregate possession limit 10. See below*
Combined Walleye, Sauger and Saugeye	Continuous*	5*	10*	None*	Continuous open season; aggregate daily bag limit 10 (no more than 6 walleye) 6, aggregate possession limit 20 (no more than 12 walleye) 12, except aggregate daily bag limit 4, aggregate possession limit 8, in the Big Sioux River. See below*
Northern Pike	Continuous*	3	6	None	Continuous open season; daily bag limit 5; possession limit 10, except daily bag limit 6, possession limit 12, in the Big Sioux River.
Muskellunge or Hybrid Muskellunge	Continuous*	1	1	40"	Same as inland waters
All other fish species*	Continuous	None	None	None	Same as inland waters See below*
Frogs (except Bullfrogs)	Continuous	48	96	None	Same as inland waters
Bullfrogs (Rana Catesbeiana)	Continuous	12	12	None	Same as inland waters

*Also see 81.2(481A), Exceptions.

ITEM 2. Amend subrule **81.2(1)** by adopting the following **new** paragraphs:

Fishing in any manner is prohibited from December 1 of each year through March 15 the following year in the following areas of the Mississippi River:

a. From Lock and Dam Number 11 downstream to the State Highway 61 and 151 bridge.

b. From Lock and Dam Number 12 downstream to the mouth of Mill Creek near river mile 556.

c. From Lock and Dam Number 13 downstream to the downstream end of Stamp Island near river mile 521.5.

ITEM 3. Amend subrule 81.2(3) as follows:

81.2(3) Walleye. A 14-inch minimum length limit shall apply on walleye in Lakes West Okoboji, East Okoboji, Spirit Lake, Upper Gar, Minnewashta, and Lower Gar in Dickinson County, and Clear Lake in Cerro Gordo County. A 15-inch minimum length limit shall apply on walleye in Storm Lake, Buena Vista County, and Big Creek Lake, Polk County. No more than one walleye above 20 inches in length may be taken per day from the above lakes except in Clear Lake and Storm Lake where no more than one walleye above 22 inches in length may be taken per day. A 15-inch mini-

um length limit shall apply on walleye in Black Hawk Lake, Sac County, and in Viking Lake, Montgomery County. The daily bag limit for walleye in the above lakes shall be three with a possession limit of six. A 15-inch minimum length limit shall apply on walleye in the Mississippi River. *All walleye from 20 inches to 27 inches in length that are caught from Mississippi River Pools 12 through 20 must be immediately released alive. No more than one walleye above 27 inches may be taken per day from Pools 12 through 20.*

ITEM 4. Amend subrule **81.2(12)** by adopting the following **new** paragraph "**b**":

b. Panfish. In all waters of the Mississippi River, the daily bag and possession limit applied individually to crappie, yellow perch and rock bass shall be 25 and 50, respectively. In all waters of the Mississippi River, the daily bag and possession limit applied in the aggregate for bluegill and pumpkinseed and for white bass and yellow bass shall be 25 and 50, respectively.

ARC 2731B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 82, “Commercial Fishing,” Iowa Administrative Code.

The proposed amendment removes shovelnose sturgeon from the permissive catch list on the Missouri River and adds silver carp to the list.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 8, 2003. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515) 281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on October 7, 2003, at 1 p.m. in the Fourth Floor Conference Room of the Wallace State Office Building, 502 East Ninth Street, Des Moines.

At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39 and 482.1.

The following amendment is proposed.

Amend subrule 82.2(1) as follows:

82.2(1) Permissive catch. Except for channel catfish, and flathead catfish and shovelnose sturgeon which may not be taken from the Missouri River, it shall be lawful to take with licensed commercial fishing gear the following species: carp, smallmouth buffalo, largemouth buffalo, black buffalo, channel catfish, flathead catfish, black bullhead, yellow bullhead, brown bullhead, freshwater drum, northern redhorse, silver redhorse, spotted sucker, white sucker, river carpsucker, quillback, highfin-carpsucker, white amur, bighead carp, silver carp, shovelnose sturgeon, longnose gar, shortnose gar, bowfin, gizzard shad, goldeye, and mooneye.

ARC 2729B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 87, “Mussel Regulations,” Iowa Administrative Code.

The proposed amendment establishes limits for taking mussels with a sport fishing license.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 8, 2003. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515) 281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515)281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on October 7, 2003, at 1:30 p.m. in the Fourth Floor Conference Room of the Wallace State Office Building, 502 East 9th Street, Des Moines.

At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any person who intends to attend the public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38 and 481A.39 and 2003 Iowa Acts, House File 412.

The following amendment is proposed.

Amend 571—Chapter 87 by adding the following new rule:

571—87.2(80GA,HF412) Sport regulations. The taking and possession of mussels for sport purposes from public waters of the state shall be subject to the following regulations.

87.2(1) Seasons. There shall be an open season for taking mussels throughout the year. The taking of mussels is restricted to the hours between sunrise and sunset.

87.2(2) Methods. Licensed anglers and children younger than 16 years of age may take mussels by hand or pole and line.

87.2(3) Species. Species other than those listed as threatened or endangered may be lawfully taken and possessed. Zebra mussels shall not be taken and possessed.

87.2(4) Limits. Live mussels may be harvested only from the Mississippi River and connected backwaters. Dead mussels only may be harvested from the remaining waters of the state. The possession limit is 24 whole mussels or 48 shell halves. The sale of mussels or shells is not permitted with a sport fishing license.

ARC 2732B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 94, “Nonresident Deer Hunting,” Iowa Administrative Code.

Chapter 94 gives the regulations for hunting deer and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of taking, and transportation tag requirements. This amendment allows nonresident hunters to obtain an antlerless-only deer license to hunt from December 24 through January 2.

Any interested person may make written suggestions or comments on the proposed amendment on or before September 30, 2003. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-6156 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on September 30, 2003, at 2 p.m. in the Fourth Floor Conference Room of the Wallace State Office Building at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendment is proposed.

Amend subrule 94.8(2), introductory paragraph, as follows:

94.8(2) Antlerless-only deer licenses. Licenses for taking antlerless-only deer will be available on the same date as excess any-sex licenses are sold as explained in 94.8(1). Antlerless-only licenses will be sold first-come, first-served until the statewide quota is filled, or until the last day of the season for which a license is valid, ~~or until December 14, whichever occurs first.~~ *If antlerless-only licenses are still available on December 15, they may be purchased by nonresidents to hunt during the period from December 24 through January 2. These licenses will be available to nonresidents who have not purchased a nonresident deer license during one of the current deer seasons. The cost will be \$50, and the hunter must have in possession a valid nonresident small game hunting license and proof of having paid the current year's wildlife habitat fee.* Antlerless-only licenses will be issued by seasons and zone and will be valid only in the season and zone designated on the license.

ARC 2734B**NATURAL RESOURCE
COMMISSION[571]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 98, “Wild Turkey Spring Hunting,” Iowa Administrative Code.

Chapter 98 sets forth rules for hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take and transportation tag requirements. The amendment clarifies the definition of a legal weapon for bow hunting.

Any interested person may make written suggestions or comments on the amendment on or before September 25, 2003. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515)281-6156 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be a public hearing on September 25, 2003, at 10 a.m. in the Fourth Floor East Conference Room, Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48 and 483A.7.

The following amendment is proposed.

Amend subrule **98.2(1)** by rescinding paragraph “b” and adopting the following **new** paragraph “b” in lieu thereof:

b. Archery-only license. Wild turkey may be taken only by longbow, recurve or compound bows shooting broadhead arrows with a minimum length of 18 inches. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. No explosive or chemical devices may be attached to the arrow.

ARC 2739B**REAL ESTATE COMMISSION[193E]****Notice of Termination**

Pursuant to the authority of Iowa Code sections 543B.9, 543B.18, and 543B.46, the Real Estate Commission hereby terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on April 30, 2003, as **ARC 2429B**, that proposed to amend Chapter 13, "Trust Accounts and Closings," Iowa Administrative Code.

The amendments were also Adopted and Filed Emergency and published in the Iowa Administrative Bulletin on April 30, 2003, as **ARC 2456B**. The Notice was intended to provide the opportunity for public input and comment relating to amendments intended to bring 193E—Chapter 13 into accordance with *Brown et al. v. Legal Foundation of Washington et al.*, Certiorari to the United States Court of Appeals for the Ninth Circuit, No. 01-1325, and to clarify that the client is free to request that interest on the client's funds be paid to a third party.

No one appeared at the public hearing held on May 20, 2003, in the Second Floor Professional Licensing Conference Room, 1920 SE Hulsizer, Ankeny, Iowa, and no written comments were received. However, after May 20, 2003, the Commission received a complaint forwarded by the Consumer Protection Division of the Iowa Attorney General's office. After review of the complaint, there were questions as to the legality of a private real estate licensee organization receiving interest from the trust account, related tax issues for buyers and sellers, and very serious disclosure issues.

The Commission is terminating the rule making commenced in **ARC 2429B** to provide additional time to study the issues raised, to see if other complaints are received, and to incorporate appropriate changes and clarifications as necessary before renoticing the proposed amendments.

NOTICE—USURY

In accordance with the provisions of Iowa Code section 535.2, subsection 3, paragraph "a," the Superintendent of Banking has determined that the maximum lawful rate of interest shall be:

September 1, 2002 — September 30, 2002	6.75%
October 1, 2002 — October 31, 2002	6.25%
November 1, 2002 — November 30, 2002	5.75%
December 1, 2002 — December 31, 2002	6.00%
January 1, 2003 — January 31, 2003	6.00%
February 1, 2003 — February 28, 2003	6.00%
March 1, 2003 — March 31, 2003	6.00%
April 1, 2003 — April 30, 2003	6.00%
May 1, 2003 — May 31, 2003	5.75%
June 1, 2003 — June 30, 2003	6.00%
July 1, 2003 — July 31, 2003	5.50%
August 1, 2003 — August 31, 2003	5.25%
September 1, 2003 — September 30, 2003	5.00%

ARC 2724B**UTILITIES DIVISION[199]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4, 17A.7, 476.1, 476.2, and 476.20, the Utilities Board (Board) gives notice that on August 15, 2003, the Board issued an order in Docket No. RMU-03-12, In re: Second Payment Agreements, "Order Commencing Rule Making." The rule making is in response to a petition for rule making filed July 29, 2003, by the Consumer Advocate Division of the Department of Justice, proposing amendments to paragraphs 199 IAC 19.4(10)"c" and 20.4(11)"c." The proposed amendments would require a utility to offer a customer who has broken a payment agreement the opportunity to enter into a second payment agreement that would be paid off by the following October 15. The support for the proposed amendments is discussed in the Board's "Order Commencing Rule Making" issued concurrently with this Notice. The order can be accessed on the Board's Web site at www.state.ia.us/iub.

The Board, in Docket No. RMU-03-3, is reviewing amendments to these same paragraphs, and the amendments proposed in that rule making may affect this rule making. The proposed amendments in Docket No. RMU-03-3 were published in IAB Vol. XXV, No. 20 (4/2/03) pp. 1324-34, **ARC 2378B**. The Board has not taken final action in that rule making.

Pursuant to Iowa Code section 17A.4(1)"a" and "b," any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before September 26, 2003, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author's name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069. The Board requests that utilities provide an estimate of any additional costs the utility will incur and the number of customers that may be affected if the amendments are adopted.

A public hearing to receive oral comments on the proposed amendments will be held at 10 a.m. on November 6, 2003, in the Board's hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.2, and 476.20.

The following amendments are proposed.

UTILITIES DIVISION[199](cont'd)

ITEM 1. Amend paragraph **19.4(10)“c”** as follows:

c. Terms. The agreement may require the customer to bring the account to a current status by paying specific amounts at scheduled times. The utility shall offer customers or disconnected customers the option of spreading payments evenly over at least 12 months. Payments for potential customer agreements may be spread evenly over at least 6 months.

The agreement shall also include provision for payment of the current account. The agreement negotiations and periodic payment terms shall comply with tariff provisions which are consistent with these rules.

When the customer makes the agreement in person, a signed copy of the agreement shall be provided to the customer, disconnected customer, or potential customer.

The utility may offer the customer the option of making the agreement over the telephone or through electronic transmission. When the customer makes the agreement over the telephone or through electronic transmission, the utility will render to the customer a written document reflecting the terms and conditions of the agreement within three days of the date the parties entered into the oral agreement. The document will be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the document shall be considered rendered to the customer when delivered to the last-known address of the person responsible for payment for the service. The document shall state that unless the customer notifies the utility within ten days from the date the document is rendered, it will be deemed that the customer accepts the terms as reflected in the written document. The document stating the terms and agreements shall include the address and a toll-free number where a qualified representative can be reached. By making the first payment, the customer confirms acceptance of the terms of the oral agreement.

Second agreement. If a customer has retained service from November 1 through April 1 but is in default of a payment agreement, the utility ~~may~~ *shall* offer the customer a second payment agreement that will divide the past-due amount into equal monthly payments with the final payment due by the fifteenth day of the next October. The utility may also require the customer to enter into a level payment plan to pay the current bill.

The customer who has been in default of a payment agreement from November 1 to April 1 may be required to pay current bills based on a budget estimate of the customer's actual usage, weather-normalized, during the prior 12-month period or based on projected usage if historical use data is not available.

ITEM 2. Amend paragraph **20.4(11)“c”** as follows:

c. Terms. The agreement may require the customer to bring the account to a current status by paying specific amounts at scheduled times. The utility shall offer customers or disconnected customers the option of spreading payments evenly over at least 12 months. Payments for potential customer agreements may be spread evenly over at least 6 months.

The agreement shall also include provision for payment of the current account. The agreement negotiations and periodic payment terms shall comply with tariff provisions which are consistent with these rules.

When the customer makes the agreement in person, a signed copy of the agreement shall be provided to the customer, disconnected customer, or potential customer.

The utility may offer the customer the option of making the agreement over the telephone or through electronic trans-

mission. When the customer makes the agreement over the telephone or through electronic transmission, the utility will render to the customer a written document reflecting the terms and conditions of the agreement within three days of the date the parties entered into the oral agreement. The document will be considered rendered to the customer when deposited in the U.S. mail with postage prepaid. If delivery is by other than U.S. mail, the document shall be considered rendered to the customer when delivered to the last-known address of the person responsible for payment for the service. The document shall state that unless the customer notifies the utility within ten days from the date the document is rendered, it will be deemed that the customer accepts the terms as reflected in the written document. The document stating the terms and agreements shall include the address and a toll-free number where a qualified representative can be reached. By making the first payment, the customer confirms acceptance of the terms of the oral agreement.

Second agreement. If a customer has retained service from November 1 through April 1 but is in default of a payment agreement, the utility ~~may~~ *shall* offer the customer a second payment agreement that will divide the past-due amount into equal monthly payments with the final payment due by the fifteenth day of the next October. The utility may also require the customer to enter into a level payment plan to pay the current bill.

The customer who has been in default of a payment agreement from November 1 to April 1 may be required to pay current bills based on a budget estimate of the customer's actual usage, weather-normalized, during the prior 12-month period or based on projected usage if historical use data is not available.

ARC 2725B**UTILITIES DIVISION[199]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Iowa Code sections 17A.4, 17A.7, 476.1, 476.2, and 476.20, the Utilities Board (Board) gives notice that on August 6, 2003, the Board issued an order in Docket No. RMU-03-10, In re: Temperature Trigger for Cold Weather Protections [199 IAC 19.4(15) and 20.4(15)], “Order Commencing Rule Making.” The rule making is in response to a petition for rule making filed July 8, 2003, by the Iowa Community Action Association (ICAA), and proposes amendments to subparagraphs 199 IAC 19.4(15)“h”(5) and 20.4(15)“h”(6). The proposed amendments would change the temperature below which a utility cannot disconnect a customer's gas or electric service from 20 degrees Fahrenheit to 32 degrees Fahrenheit. ICAA's support for the proposed amendments is discussed in the Board's “Order Commencing Rule Making” issued simultaneously with this Notice. The order can be accessed on the Board's Web site at www.state.ia.us/iub.

The Board has included proposed amendments to 199 IAC 19.4(15)“i” and 20.4(15)“i” since the 20 degree Fahrenheit limitation is also found in those paragraphs. The Board, in Docket No. RMU-03-3, commenced a rule making that pro-

UTILITIES DIVISION[199](cont'd)

posed amendments to 19.4(15) and 20.4(15) that could affect the amendments proposed in this rule making. The proposed amendments were published in IAB Vol. XXV, No. 20 (4/2/03) pp. 1324-34, as **ARC 2378B**. The Board has not taken final action in that rule making.

Pursuant to Iowa Code section 17A.4(1)“a” and “b,” any interested person may file a written statement of position pertaining to the proposed amendments. The statement must be filed on or before September 26, 2003, by filing an original and ten copies in a form substantially complying with 199 IAC 2.2(2). All written statements should clearly state the author’s name and address and should make specific reference to this docket. All communications should be directed to the Executive Secretary, Utilities Board, 350 Maple Street, Des Moines, Iowa 50319-0069. The Board requests that utilities provide an estimate of any additional costs the utility will incur and the number of customers that may be affected if the amendments are adopted.

A public hearing to receive oral comments on the proposed amendments will be held at 10 a.m. on October 14, 2003, in the Board’s hearing room at the address listed above. Persons with disabilities who require assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request that appropriate arrangements be made.

These amendments are intended to implement Iowa Code sections 17A.4, 476.1, 476.2, and 476.20.

The following amendments are proposed.

ITEM 1. Amend subparagraph **19.4(15)“h”(5)**, second unnumbered paragraph, “Special circumstances,” as follows:

Special circumstances. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 32 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 19.4(15)“h”(4) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 32 degrees *for at least 24 hours*, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of this rule.

ITEM 2. Amend paragraph **19.4(15)“i”** as follows:

i. Without the written 12-day notice, for failure of the customer to comply with the terms of a payment agreement, provided that:

(1) No change.

(2) The disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a week-

day and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection may not take place where gas is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 32 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 19.4(15)“h”(3) (4) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 32 degrees *for at least 24 hours*, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of this rule.

(3) No change.

ITEM 3. Amend subparagraph **20.4(15)“h”(6)**, second unnumbered paragraph, “Special circumstances,” as follows:

Special circumstances. Disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such payment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection may not take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go below 20 32 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 20.4(15)“h”(5) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above 20 32 degrees *for at least 24 hours*, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of this rule.

ITEM 4. Amend paragraph **20.4(15)“i”** as follows:

i. Without the written 12-day notice, for failure of the customer to comply with the terms of a payment agreement, provided that:

(1) No change.

(2) The disconnection of a residential customer may take place only between the hours of 6 a.m. and 2 p.m. on a weekday and not on weekends or holidays. If a disconnected customer makes payment or other arrangements during normal business hours, or by 7 p.m. for utilities permitting such pay-

UTILITIES DIVISION[199](cont'd)

ment or other arrangements after normal business hours, all reasonable efforts shall be made to reconnect the customer that day. If a disconnected customer makes payment or other arrangements after 7 p.m., all reasonable efforts shall be made to reconnect the customer not later than 11 a.m. the next day. A disconnection may not take place where electricity is used as the only source of space heating or to control or operate the only space heating equipment at the residence, on any day when the National Weather Service forecast for the following 24 hours covering the area in which the residence is located includes a forecast that the temperature will go be-

low ~~20~~ 32 degrees Fahrenheit. In any case where the utility has posted a disconnect notice in compliance with 20.4(15)“h”(5) but is precluded from disconnecting service because of a National Weather Service forecast, the utility may immediately proceed with appropriate disconnection procedures, without further notice, when the temperature in the area where the residence is located rises to above ~~20~~ 32 degrees *for at least 24 hours*, unless the customer has paid in full the past due amount or is entitled to postponement of disconnection under some other provision of this rule.

(3) No change.

ARC 2738B

EMERGENCY MANAGEMENT
DIVISION[605]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 29C.8, the Emergency Management Division hereby amends Chapter 7, "Local Emergency Management," Iowa Administrative Code.

The rules in Chapter 7 describe the organization, duties and responsibilities of local emergency management commissions.

These amendments implement changes in the countywide comprehensive emergency operations planning requirements for local emergency management commissions by setting forth a specific date for meeting the planning requirements and refining processes for the review and amendment of these plans.

In compliance with Iowa Code section 17A.4(2), the Division finds that notice and public participation are impracticable because of the immediate need for rule changes to implement new countywide comprehensive emergency operations planning requirements.

The Division also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of these amendments should be waived and these amendments should be made effective upon publication in the Iowa Administrative Bulletin on September 3, 2003, as these amendments confer a benefit upon local emergency management commissions, local communities and counties, and citizens of the state.

The Emergency Management Division adopted these amendments on August 15, 2003.

These amendments are also published herein under Notice of Intended Action as **ARC 2737B** to allow public comment. This emergency filing permits the Division to implement new planning requirements for local emergency management commissions.

These amendments are intended to implement Iowa Code sections 29C.8 and 29C.9.

These amendments become effective on September 3, 2003.

The following amendments are adopted.

Amend paragraph 7.3(4)"d" as follows:

d. Planning.

(1) The commission shall develop comprehensive countywide emergency operations plans which ~~that~~ are multihazard and multifunctional in nature and which ~~that~~ shall include, but not be limited to, a part "A" operations plan, part "B" mitigation plan, and part "C" recovery plan that may be contained in a single document or multiple documents. *Part A, B, and C plans must be completed and submitted to the division on or before October 5, 2003.*

1. ~~An~~ *A* part "A" operations plan assigns responsibilities to organizations and individuals for carrying out specific actions at projected times and places in an emergency or disaster.

2. The part "B" mitigation plan shall establish interim and long-term strategies to eliminate hazards or to reduce the impact of those hazards that cannot be eliminated. This requirement notwithstanding, to qualify for federal funding for mitigation assistance the eligible applicant must comply with the mitigation planning requirements set forth in 44 CFR

206, Subpart M, 44 CFR Section 201.6 and the Iowa Hazard Mitigation Grant Program Administrative Plan, as appropriate.

3. A part "C" recovery plan shall identify the short-term and long-term strategic priorities, processes, vital resources, and acceptable time frames and procedures for restoration.

(2) Plans shall contain the following common elements.

1. The functional roles and responsibilities of internal and external agencies, organizations, departments, and individuals during mitigation, preparedness, response and recovery shall be identified.

2. Lines of authority for those agencies, organizations, departments, and individuals shall be established and identified.

(3) Plans shall be regularly reviewed and amended as appropriate in accordance with *schedules a five-year schedule* established by the commission, to include at a minimum:

1. A complete review, and amendment as appropriate, of the part "A" operations plan at a minimum of every five years. However, a review, and amendment as appropriate, of the hazardous materials portion *and of a minimum of 20 percent of the remaining annexes or portions of the plan* shall be conducted on a yearly basis. *The complete operations plan must be entirely reviewed and amended as appropriate every five years. A printed copy of the portions of the plan that are reviewed, regardless of amendment, must be certified and submitted to the division for approval.*

2. A complete review, and amendment as appropriate, of the part "B" mitigation plan at a minimum of every five years ~~and in conjunction with any presidentially declared disaster for which mitigation assistance is requested. at such time a printed copy of the plan, regardless of amendment, must be submitted to the division for approval. Part "B" mitigation plans must also be reviewed and amended, as appropriate, certified and submitted to the division for approval within 180 days of the formal closing of the disaster incident period for a presidential declaration for major disaster.~~

3. A complete review, and amendment as appropriate, of the part "C" recovery plan at a minimum of every five years ~~and in conjunction with any presidentially declared disaster for which individual or public assistance is requested. at such time a printed copy of the plan, regardless of amendment, must be submitted to the division for approval. Part "C" recovery plans must also be reviewed and amended, as appropriate, certified and submitted to the division for approval within 180 days of the formal closing of the disaster incident period for a presidential declaration for major disaster.~~

(4) *To be certified, the plan must be adopted by the members of the local or joint emergency management commission and attested to by the chairperson and the local emergency management coordinator on a form to be provided by the division.*

(4-5) In addition to the standards heretofore established in paragraph 7.3(4)"d," the operations plan shall include provisions for damage assessment.

(5-6) Hazardous materials plans shall meet the minimum requirements of federal law, 42 U.S.C., Sec. 11003.

(6-7) Counties designated as risk or host counties for a nuclear facility emergency planning zone shall meet the standards and requirements as published by the United States Nuclear Regulatory Commission and the Federal Emergency Management Agency, in NUREG-0654, FEMA-REP-1, Rev. 1, March 1987.

(8) *Local or joint emergency management commissions participating in or conducting exercises or experiencing real disaster incidents, which require after action and corrective*

EMERGENCY MANAGEMENT DIVISION[605](cont'd)

action reports, have 180 days from the date of the publication of the corrective action report to incorporate the corrective actions, as appropriate, in their plans.

(7 9) Required plans or portions of plans, submitted for approval to the division by a local or joint emergency management commission, shall be reviewed within 60 calendar days from the receipt of the plan. The division shall notify the local emergency management coordinator in writing of the approval or nonapproval of the plan. If the plan is not approved, the division shall state the specific standard or standards that are not being met and offer guidance on how the plan may be brought into compliance.

(8 10) A comprehensive countywide emergency operations plan shall not be considered approved by the emergency management division as required in Iowa Code subsection 29C.9(8) unless such plan adheres to and meets the minimum standards as established in ~~subrule paragraph 7.3(4), paragraph "d."~~

(9 11) Iowa Code section 29C.6 provides that state participation in funding financial assistance in a presidentially declared disaster is contingent upon the local government's having on file a state-approved, comprehensive, countywide plan as provided in Iowa Code subsection 29C.9(8). Required plans must be received and approved by the division by the time the first public or private, nonprofit entity within the county otherwise becomes eligible to receive state assistance or within one year from the date of presidential declaration, ~~whichever is earlier, within 180 days of the formal closing of the disaster incident period for a presidential declaration for major disaster for the affected county, and must be approved by the division within 240 days of this date for public or private nonprofit entities within the county to be eligible to receive state financial assistance.~~

[Filed Emergency 8/15/03, effective 9/3/03]

[Published 9/3/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/3/03.

ARC 2727B

NATURAL RESOURCE
COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby adopts amendments to Chapter 51, "Game Management Areas," Iowa Administrative Code.

Chapter 51 gives the regulations for public use of state game management areas. These amendments provide the requirements for registration, construction and use of stationary blinds and decoys on Pools 16, 17 and 18 of the Mississippi River.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 28, 2003, as **ARC 2493B**.

A public hearing was scheduled for June 19, 2003. Comments were received from four people; two in favor of the amendments and two against. Petitions both for and against were received. These amendments are identical to the Notice of Intended Action.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments confer a benefit on a segment of the public by becoming effective upon filing with

the Administrative Rules Coordinator on August 15, 2003, and that the normal effective date of these amendments would unnecessarily restrict the public by delaying the opportunity for construction of blinds prior to the waterfowl season in mid-September. The Commission finds that these amendments confer a benefit on the public by permitting persons to know if they have a blind site and allowing them opportunity for construction prior to the duck season opening on September 20.

These amendments are intended to implement Iowa Code sections 456A.24 and 481A.6.

These amendments became effective August 15, 2003.

The following amendments are adopted.

ITEM 1. Amend subrule 51.5(1), introductory paragraph, as follows:

51.5(1) Stationary blinds. The construction and use of stationary blinds on all game management areas, *except on Pools 16, 17 and 18 of the Mississippi River*, are restricted as follows:

ITEM 2. Amend subrule 51.5(3), introductory paragraph, as follows:

51.5(3) Use of waterfowl decoys. The use of waterfowl decoys on any game management area, *except on Pools 16, 17 and 18 of the Mississippi River*, is restricted as follows:

ITEM 3. Adopt the following new subrule:

51.5(4) Use of stationary blinds and waterfowl decoys on Pools 16, 17 and 18 of the Mississippi River. The use of permanent blinds for waterfowl hunting on Pools 16, 17 and 18 of the Mississippi River is restricted as follows:

a. Registration. Hunters must register their blind site with the department of natural resources by completing a registration card and designating the blind's location on a map. Registration will be held in August at a site to be publicly announced by the department. Registration is for a five-year period and requires *payment* of a fee of \$100. The blind registration number must be visibly posted at the blind's entrance.

b. Construction. Blinds must have minimum dimensions of 4 feet by 8 feet and not greater than 500 square feet of floor space, not including a boat hide. The blind must be constructed of biodegradable materials, including nontreated dimensional lumber and nontreated plywood, unless the blind will be removed at the end of the waterfowl season. The use of metal or nylon fasteners, including but not limited to nails, screws, lag bolts, staples and ties, is allowed. Treated lumber, treated plywood, woven wire, chicken wire, cattle panels, tin and sheet metal, vinyl and plastic, and other nonbiodegradable materials are not allowed unless those materials or the entire blind is removed within three days after the close of the waterfowl season. All existing blinds are exempted from conforming to these construction requirements until September 1, 2008, except that all repair, modification or new construction of blinds must conform to these construction requirements.

c. Tree and brush removal. No person shall remove brush or trees around any blind, except willows. Willows and annual vegetation from the blind site may be used to cover the blind.

d. Occupation of blinds. Registrants must occupy their blind site by the opening of shooting time each day to claim the blind site for that day. After that time, unoccupied blind sites will be available to any other hunters. No person shall claim or attempt to claim a blind that is legally occupied. No person shall harass, in any manner, the occupants of a blind that is legally occupied.

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- e. Locking blinds. No person shall lock a blind.
- f. Decoys. Decoys may be left out for the entire waterfowl season but must be picked up and removed from the area within three days after the close of the waterfowl season. All jugs and other floating devices used to attract waterfowl shall be considered decoys.

[Filed Emergency After Notice 8/15/03, effective 8/15/03]

[Published 9/3/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/3/03.

ARC 2726B

NATURAL RESOURCE
COMMISSION[571]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 91, "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

These rules give the regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates are adjusted annually to comply with federal law and to ensure that seasons open on a weekend.

State hunting seasons on migratory birds must be set within frameworks established annually by the Fish and Wildlife Service, U.S. Department of the Interior. These frameworks specify shooting hours, bag limits and possession limits, as well as season lengths and outside dates. These frameworks were finalized by the Service in early August. Therefore, adoption of these amendments by the Department could not take place prior to this time.

Notice of Intended Action was published in the March 5, 2003, Iowa Administrative Bulletin as **ARC 2340B**. The following changes were made from the Notice of Intended Action. Season dates were changed to add a 30-day canvasback season and to address the change in duck season length from 45 to 60 days. Bag limits were changed to allow two hen mallards and one canvasback. The white-fronted goose season was changed to allow the taking of white-fronts during late October and early November in the south zone.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments confer a benefit on a segment of the public by being made effective upon filing with the Administrative Rules Coordinator on August 15, 2003, because the normal effective date of these amendments would unnecessarily restrict the public by delaying the opening of the waterfowl and coot hunting seasons.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These amendments became effective August 15, 2003.

The following amendments are adopted.

ITEM 1. Amend rule 571—91.1(481A) as follows:

571—91.1(481A) Ducks (split seasons). The north duck hunting zone is that part of Iowa north of a line beginning on the Nebraska-Iowa border at State Highway 175, east to State Highway 37, southeast to U.S. Highway 59, south to I-80 and along I-80 to the Iowa-Illinois border. The south duck hunting zone is the remainder of the state. Open season for hunting ducks shall be September 24 20 to September 25, 2002

24, 2003, and October 12 11 to December 5, 2002 December 4, 2003, in the north zone; September 21 September 20 to September 23, 2002 September 22, 2003, and October 19 18 to December 14, 2002 13, 2003, in the south zone. Shooting hours are one-half hour before sunrise to sunset each day. The season for canvasbacks will be closed October 18 to November 16, 2003, in the north zone, and October 25 to November 23, 2003, in the south zone. The season for pintails will be from September 24 20 to September 25, 2002 24, 2003, and October 12 11 to November 5, 2002 4, 2003, in the north zone; September 24 20 to September 23, 2002 22, 2003, and October 19, 2002, 18 to November 14, 2002 13, 2003, in the south zone.

91.1(1) Bag limit. The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 2 wood ducks, 1 pintail, 3 scaup, 3 mottled ducks, 1 canvasback, and 2 redheads. The daily bag limit of mergansers is 5, only 1 of which may be a hooded merganser.

91.1(2) Possession limit. Possession limit is twice the daily bag limit.

ITEM 2. Amend rule 571—91.3(481A) as follows:

571—91.3(481A) Geese. The north goose hunting zone is that part of Iowa north of a line beginning on the Nebraska-Iowa border at State Highway 175, east to State Highway 37, southeast to U.S. Highway 59, south to I-80 and along I-80 to the Iowa-Illinois border. The south goose hunting zone is the remainder of the state. The open season for hunting Canada geese, white-fronted geese and brant, collectively referred to as dark geese, is September 28 27 to December 6 5, 2002 2003, in the north goose hunting zone and September 28 27 to October 20 19 and November 9 8 to December 25 24, 2002 2003, in the south goose hunting zone. The open season for hunting white-fronted geese is September 27 to December 21, 2003, statewide. The open season for hunting white and blue-phase snow geese and Ross' geese, collectively referred to as light geese, is September 28, 2002 27, 2003, to January 12 11, 2003 2004, statewide. Light geese may also be taken under the conservation order from the U.S. Fish and Wildlife Service from February 1, 2003 January 12, 2004, through April 15, 2003 2004. Shooting hours are one-half hour before sunrise to sunset, except that during the conservation order shooting hours will be extended to one-half hour after sunset each day. The open season for hunting Canada geese only shall be September 1 to September 15, 2003, in two specific areas described as follows:

91.3(1) Cedar Rapids/Iowa City goose hunting zone. The Cedar Rapids/Iowa City goose hunting zone includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence

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west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

91.3(2) Des Moines goose hunting zone. The Des Moines goose hunting zone includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; thence south along County Road R38 to Northwest 142nd Avenue; thence east along Northwest 142nd Avenue to Northeast 126th Avenue; thence east along Northeast 126th Avenue to Northeast 46th Street; thence south along Northeast 46th Street to Highway 931; thence east along Highway 931 to Northeast 80th Street; thence south along Northeast 80th Street to Southeast 6th Avenue; thence west along Southeast 6th Avenue to Highway 65; thence south and west along Highway 65 to Highway 69 in Warren County; thence south along Highway 69 to County Road G24; thence west along County Road G24 to Highway 28; thence southwest along Highway 28 to 43rd Avenue; thence north along 43rd Avenue to Ford Street; thence west along Ford Street to Filmore Street; thence west along Filmore Street to 10th Avenue; thence south along 10th Avenue to 155th Street in Madison County; thence west along 155th Street to Cumming Road; thence north along Cumming Road to Badger Creek Avenue; thence north along Badger Creek Avenue to County Road F90 in Dallas County; thence east along County Road F90 to County Road R22; thence north along County Road R22 to Highway 44; thence east along Highway 44 to County Road R30; thence north along County Road R30 to County Road F31; thence east along County Road F31 to Highway 17; thence north along Highway 17 to Highway 415 in Polk County; thence east along Highway 415 to Northwest 158th Avenue; thence east along Northwest 158th Avenue to the point of beginning.

91.3(1)(3) Bag limit. Daily bag limit is 2 Canada geese, 2 white-fronted geese, 2 brant, and 20 light geese, except from September 1 to September 15 when the daily bag limit is 3 Canada geese.

91.3(2)(4) Possession limit. Possession limit is twice the daily bag limit and no possession limit on light geese.

ITEM 3. Amend subrule 91.4(1) as follows:

91.4(1) Waterfowl and coots. There shall be no open season for ducks, coots and geese on the east and west county road running through sections 21 and 22, township 70 north, range 43 west, Fremont County; three miles of U.S. Highway 30, located on the south section lines of sections 14, 15, and 16, township 78 north, range 45 west, Harrison County; on the county roads immediately adjacent to, or through, Union Slough National Wildlife Refuge, Kossuth County; Louisa County Road X61 from the E-W centerline of section 29, township 74 north, range 2 west, on the south, to the point where it crosses Michael Creek in section 6, township 74 north, range 2 west, on the north, and also all roads through or adjacent to sections 7, 18, and 19 of this same township and roads through or adjacent to sections 12 and 13, township 74 north, range 3 west; the levee protecting the Green Island Wildlife Area from the Mississippi River in Jackson County wherever the levee is on property owned by the United States or the state of Iowa; certain dikes at Otter Creek Marsh, Tama

County, where posted as such; and the NE¼, section 23, and the N½, section 24, all in township 70 north, range 19 west, Appanoose County, including county roads immediately adjacent thereto; and all privately owned lands in the S½, section 30, township 71 north, range 20 west, Lucas County, including the county road immediately adjacent thereto; Cerro Gordo County Road S14 and its right-of-way, between its junction with U.S. Highway 18 and County Road B-35, and portions of Clear Lake and Ventura Marsh; where posted as such in Cerro Gordo County; ; That that portion of Summit Lake located south of State Highway 25 in the west half of the NW¼ of section 2 (22 acres), and the west half of section 3 (100 acres), T72N, R31W in Union County; and within 300 feet of the center of the Army Road from New Albin to the boat ramp on the Mississippi River in sections 11 and 12, T100N, R4W, and sections 7 and 8, T100N, R3W, as posted.

ITEM 4. Amend subrule **91.4(2)**, paragraphs "i" and "k," as follows:

i. Area nine. Portions of Monona and Woodbury Counties bounded as follows: Beginning at the Iowa-Nebraska state line along the Missouri River in Monona County at the southwest corner of the NW¼ of in section 18 13, township 82 84 north, range 45 47 west; proceeding east approximately 3 miles along 185th Street to Cashew Avenue (including the right-of-way and all other road right-of-ways subsequently identified in this description); thence south along Cashew Avenue to 200th Street; thence east along 200th Street to County Road K42; thence south and east along County Road K42 to Cherry Avenue; thence south along Cherry Avenue to 243rd Street; thence east along 243rd Street to Cypress Avenue; thence south along Cypress Avenue to 245th Street; thence east along 245th Street to Elm Avenue; thence south along Elm Avenue to 250th Street; thence east along 250th Street to Filbert Avenue; thence south along Filbert Avenue to 260th Street; thence east along 260th Street to extending one and one-half miles east along an unnumbered county road to the center of section 17, township 82 north, range 45 west; then north one mile along county road to the center of section 8, township 82 north, range 45 west; thence east one mile along county road to the intersection on Monona County Roads Road K45 and E60; thence north and northwest approximately 20 17 miles along Monona County Road K45 to the junction with State Highway 970 in Woodbury County; thence continuing northwest along State Highway 970 (including the right-of-way) (otherwise known as Woodbury County Road K45) approximately 13 8 miles to the intersection with 220th Street Woodbury County Road K25; thence west approximately 3 miles along the Sergeant Bluff Drainage Ditch Woodbury County Road K25 to Port Neal Road; thence continuing on along the same westerly line on the north border of section 6, township 86 north, range 47 west, to the Iowa-Nebraska state line along the Missouri River; thence southerly along the state line approximately 43 17 miles to the point of beginning.

k. Area eleven. Starting at the junction of the navigation channel of the Mississippi River and the mouth of the Maquoketa River in Jackson County, proceeding southwest along the high-water line on the west side of the Maquoketa River to U.S. Highway 52; thence south along U.S. Highway 52 (including the right of way) to County Road Z-40; thence south on County Road Z-40 (including the right-of-way) to U.S. Highway 64; thence east on U.S. Highway 64 (including the right of way) to 550th Avenue; thence north along 550th Avenue (including the right-of-way) to U.S. Highway 52; thence southeast along U.S. Highway 52 (including the right-of-way) to 607th Avenue; thence east

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along 607th Avenue (*including the right-of-way*) to the Sioux Line Railroad; thence north and west along the Sioux Line Railroad to the Green Island levee; thence northeast along a line following the Green Island levee to the center of the navigational channel of the Mississippi River; thence northwest along the center of the navigational channel to the point of beginning.

ITEM 5. Amend rule 571—91.6(481A) as follows:

571—91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held statewide on October ~~5 and 6, 2002~~ *4 and 5, 2003*. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a

hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in subrule 91.1(1). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

[Filed Emergency After Notice 8/15/03, effective 8/15/03]

[Published 9/3/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/3/03.

ARC 2736B**ENVIRONMENTAL PROTECTION
COMMISSION[567]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 22, "Controlling Pollution," Iowa Administrative Code.

The purpose of this rule making is to establish two new exemptions that pertain to specific types of equipment that are used for nonproduction activities or that vent indoors and to specific types of manually operated equipment. It is important to note that the facility retains the obligation to determine whether other air permitting requirements still apply to those sources and, if such obligations exist, to meet those.

This rule making is the result of a cooperative, negotiated rule-making process between the Department and representatives of the Iowa Association of Business and Industry (ABI). Both the Department and ABI are interested in reducing the regulatory burden on industry where the actual emissions of air contaminant sources are likely to have little or no environmental or human health consequences.

This amendment adds a new paragraph 22.1(2)"u," establishing an exemption for equipment used for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sandblast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, and wood or wood products, where such equipment is either used for nonproduction activities or exhausted inside a building.

The amendment adds a new paragraph 22.1(2)"v," establishing an exemption for manually operated equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, scarfing, surface grinding, or turning. Manually operated equipment is as currently defined in 567—22.100(455B).

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 14, 2003, as **ARC 2467B**. A public hearing was held on June 13, 2003. No comments were received at the public hearing or during the public comment period. This amendment has not been modified from that published under Notice of Intended Action.

The Department will seek an amendment to the Delegation Agreement with the U.S. EPA to include both of these exemptions in the State Implementation Plan.

This amendment will become effective October 8, 2003.

This amendment is intended to implement Iowa Code section 455B.133.

The following amendment is adopted.

Amend subrule **22.1(2)** by adopting the following new paragraphs "**u**" and "**v**":

u. Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planing, buffing, sandblast cleaning, shot blasting, shot peening, or polishing ceramic artwork, leather, metals (other than beryllium), plastics, concrete, rubber, paper stock, and wood or wood products, where such equipment is either used for nonproduction activities or exhausted inside a building.

v. Manually operated equipment, as defined in 567—22.100(455B), used for buffing, polishing, carving, cutting,

drilling, machining, routing, sanding, sawing, scarfing, surface grinding, or turning.

[Filed 8/15/03, effective 10/8/03]

[Published 9/3/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/3/03.

ARC 2719B**IOWA FINANCE AUTHORITY[265]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 17A.3(1)"b" and 16.5(17), the Iowa Finance Authority hereby amends Chapter 12, "Low-Income Housing Tax Credits," Iowa Administrative Code.

These amendments replace the current qualified allocation plan for the Low-Income Housing Tax Credit Program with the 2004 qualified allocation plan, which is incorporated by reference in rule 12.1(16).

The qualified allocation plan sets forth the purpose of the plan, the administrative information required for participation in the program, the threshold criteria, the selection criteria, the postreservation requirements, the appeal process, and the compliance-monitoring component. The plan also establishes the fees for filing an application for low-income housing tax credits and for compliance monitoring. Copies of the qualified allocation plan are available upon request from the Authority and are available electronically on the Authority's Web site at www.ifahome.com. It is the Authority's intent to incorporate the 2004 qualified allocation plan by reference consistent with Iowa Code chapter 17A and 265—subrules 17.4(2) and 17.12(2).

The Authority does not intend to grant waivers under the provisions of any of these rules. The qualified allocation plan is subject to state and federal requirements that cannot be waived. (See Internal Revenue Code Section 42 and Iowa Code section 16.52.) Moreover, due to the competitive nature of the award of low-income housing tax credits, a waiver would create unevenness in the application of the rules and would expose the Authority to liability.

Consistent with Executive Order Number 9, the Authority has considered the regulatory principles identified in this order and finds that the amendments will serve an important public need in furthering the housing policy of the state to encourage the production and availability of affordable housing in Iowa.

Notice of Intended Action was published in the June 25, 2003, Iowa Administrative Bulletin as **ARC 2560B**. The Authority held a public hearing over the Iowa Communications Network on July 16, 2003, to receive public comments on the 2004 qualified allocation plan (2004 QAP). The Authority received written comments in addition to the oral comments received at the public hearing. No changes to the actual text of the amendments to the rules have been made, as the changes were made to the qualified allocation plan incorporated by reference.

The Authority received both oral and written public comments on the draft 2004 QAP. These public comments addressed various aspects of the 2004 QAP, including the sections on developer cap and project cap; the service-enriched set-aside; the affordable assisted living set-aside; the preservation set-aside; fees; tax-exempt bond project require-

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ments; operating and replacement reserves; limits on developer and builder fees; debt service coverage ratio requirement; unit cost cap; legal ownership entity; site locations; building standards; market study requirements; capital needs assessment; local contributing effort; nonprofit requirements; selection and scoring criteria; glossary definitions; and other general comments on the 2004 QAP.

The Authority revised the draft 2004 QAP based on the public comments received. Some revisions merely clarified sections of the 2004 QAP that may have been subject to misunderstanding, while other revisions were more substantive. The substantive changes included increasing the developer cap and increasing the project cap; increasing the time for maintaining operating reserves from one to five years; and exempting tax-exempt bond projects from the unit cap and allowing exceptional per-unit costs for affordable assisted living units.

The Authority adopted these amendments on August 6, 2003.

These amendments will become effective on October 8, 2003.

These amendments are intended to implement Iowa Code sections 16.4(3), 16.52, 17A.12, and 17A.16 and IRC Section 42.

The following amendments are adopted.

ITEM 1. Amend rule 265—12.1(16) as follows:

265—12.1(16) Qualified allocation plan. The qualified allocation plan entitled Iowa Finance Authority Low-Income Housing Tax Credit Program 2003 *2004* Qualified Allocation Plan effective ~~October 9, 2002~~ *October 8, 2003*, shall be the qualified allocation plan for the ~~distribution~~ *allocation* of *2004* low-income housing tax credits consistent with IRC Section 42 and the applicable Treasury regulations and Iowa Code section 16.52. The qualified allocation plan includes the plan, application, and the application instructions. The qualified allocation plan is incorporated by reference pursuant to Iowa Code section 17A.6 and 265—subrules 17.4(2) and 17.12(2).

ITEM 2. Amend rule 265—12.2(16) as follows:

265—12.2(16) Location of copies of the plan. The qualified allocation plan can be reviewed and copied in its entirety on the authority's Web site at <http://www.ifahome.com>. Copies of the qualified allocation plan, application, and all related attachments and exhibits shall be deposited with the administrative rules coordinator and at the state law library. The plan incorporates by reference IRC Section 42 and the regulations in effect as of ~~October 9, 2002~~ *October 8, 2003*. Additionally, the plan incorporates by reference Iowa Code section 16.52. These documents are available from the state law library, and ~~links to information about~~ these statutes, regulations and rules ~~are is~~ on the authority's Web site. Copies are available upon request at no charge from the authority.

[Filed 8/13/03, effective 10/8/03]

[Published 9/3/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/3/03.

ARC 2735B

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby adopts amendments to Chapter 61, "State Parks and Recreation Areas," Iowa Administrative Code.

The amendment adds Clear Lake State Park, Ritz Unit, Cerro Gordo County, to the after-hours fishing list.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 9, 2003, as **ARC 2598B**. A public hearing was held on July 29, 2003. No public comments were received. There are no changes from the Notice of Intended Action.

This amendment is intended to implement Iowa Code sections 461A.3, 461A.46, and 461A.57.

This amendment will become effective on October 8, 2003.

The following amendment is adopted.

Amend rule 571—61.9(461A) by renumbering subrules **61.9(4)** to **61.9(20)** as **61.9(5)** to **61.9(21)** and adopting the following new subrule:

61.9(4) Clear Lake State Park, Ritz Unit, Cerro Gordo County. The boat ramp, courtesy dock, fishing dock and parking lots.

[Filed 8/15/03, effective 10/8/03]

[Published 9/3/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/3/03.

ARC 2721B

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Pursuant to the authority of Iowa Code section 147.76, the Board of Cosmetology Arts and Sciences Examiners hereby amends Chapter 59, "Administrative and Regulatory Authority for the Board of Cosmetology Arts and Sciences Examiners," Chapter 60, "Licensure of Cosmetologists, Electrologists, Estheticians, Manicurists, Nail Technologists, and Instructors of Cosmetology Arts and Sciences," Chapter 61, "Licensure of Salons and Schools of Cosmetology Arts and Sciences," Chapter 62, "Fees," and Chapter 63, "Sanitation for Salons and Schools of Cosmetology Arts and Sciences"; and rescinds Chapter 65, "Disciplinary Procedures for Cosmetology Arts and Sciences Licensees," and adopts new Chapter 65, "Discipline for Cosmetology Arts and Sciences Licensees, Instructors, Salons, and Schools," Iowa Administrative Code.

These amendments adopt new subrules regarding the conduct of persons who attend public meetings, requirements for notifying the Board of a name or address change, and criteria for issuing a duplicate certificate or wallet card. The amendments also adopt a new discipline chapter that contains standard language consistent with other boards' requirements.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 28, 2003, as **ARC 2483B**. A public hearing was held on June 23, 2003, from 9 to 11 a.m. in the Professional Licensure Conference Room, Fifth Floor, Lucas State Office Building, Des Moines, Iowa. No public comments were received at the hearing.

The following changes have been made to the Notice of Intended Action:

- The term “renewal card” has been changed to “wallet card” throughout the rules because the first card issued at the time of initial licensure will not be a renewal card.
- Subrules 59.4(2) and 59.4(3) regarding notification of a change of address and change of name have been rescinded and new subrules adopted to clearly differentiate between requirements for licensed individuals and requirements for licensed salons and schools.
- Rules 645—60.11(147) and 645—61.6(147) and subrule 61.10(2) have been reworded to clarify that an application must be completed to obtain a duplicate license or a duplicate certificate.
- Amendments to rules 645—61.5(157) and 645—63.3(157) have been added to clarify requirements for the display of certificates of licensees and trainees. An exception is added to each of these rules for the licensees who were not issued a wallet card at the time of initial licensure.
- An amendment to subrule 62.1(5) has been added to support the requirement of subrule 59.4(3).
- In subrule 65.2(25), the requirement that a salon license must be returned within 30 days of discontinuance of business has been added to the discipline chapter because the requirement is stated in current Chapter 65 but it had been inadvertently omitted from new Chapter 65.
- Paragraph 65.2(32)“a” is revised by adding the word “coworker.”

These amendments were adopted by the Board of Cosmetology Arts and Sciences Examiners on August 6, 2003.

These amendments will become effective October 8, 2003.

These amendments are intended to implement Iowa Code chapters 17A, 21, 147, 157 and 272C.

The following amendments are adopted.

ITEM 1. Rescind subrules 59.4(2) and 59.4(3) and adopt the following **new** subrules in lieu thereof:

59.4(2) Notice of change of address. Each licensee and licensed entity shall notify the board of a change of the current mailing address within 30 days after the occurrence.

a. If a salon changes locations, the salon shall apply for a new license, as specified in 645—subrule 61.2(5).

b. If a cosmetology school changes locations, the school shall apply for a new license, as specified in 645—subrule 61.6(5).

59.4(3) Notice of change of name.

a. Licensees. Each licensee shall notify the board in writing of a change of name within 30 days after the occurrence. The reissued certificate fee referred to in paragraph 59.4(3)“b” will not apply unless the licensee wishes to obtain a certificate with the new name.

b. Salons and cosmetology schools. The owner shall notify the board in writing of a change of name within 30 days after the occurrence and, in addition, shall return the current certificate and pay the reissued certificate fee as specified in 645—subrule 62.1(5).

ITEM 2. Amend rule 645—59.6(17A), parenthetical implementation, as follows:

645—59.6(17A 21)

ITEM 3. Adopt **new** subrules 59.6(3) and 59.6(4) as follows:

59.6(3) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

59.6(4) Cameras and recording devices may be used at open meetings, provided the cameras or recording devices do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

ITEM 4. Amend the implementation clause for **645—Chapter 59** as follows:

These rules are intended to implement Iowa Code chapters 17A, 21, 147, and 157.

ITEM 5. Renumber rule **645—60.11(272C)** as **645—60.12(272C)** and adopt the following **new** rule:

645—60.11(147) Duplicate certificate or wallet card.

60.11(1) A duplicate wallet card or duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed. A duplicate wallet card or duplicate certificate shall only be issued under such circumstances.

60.11(2) A duplicate wallet card or certificate shall be issued upon receipt of a completed application and receipt of the fee as specified in 645—subrule 62.1(5).

60.11(3) If the board receives a completed application stating that the licensee has not received the wallet card or certificate within 60 days after being mailed by the board, no fee shall be required for issuing the duplicate wallet card or duplicate certificate.

ITEM 6. Amend rule 645—61.5(157) as follows:

645—61.5(157) Display requirements for salons.

61.5(1) Every salon shall have a sign visible outside the entrance designating the place of business.

61.5(2) A salon license and the current ~~renewal~~ *wallet card* shall be posted and visible to the public.

61.5(3) The original license *certificate*, duplicate ~~license~~ *certificate*, *reissued certificate* or temporary permit, ~~and the current renewal~~ shall be visibly displayed for each licensee and temporary permit holder employed by the salon.

61.5(4) *Each licensee shall:*

- a. *Display the current license card with the certificate;*
- or
- b. *Have the current wallet card in the licensee’s possession.*

EXCEPTION: A licensee who was issued an initial license between October 1, 2002, and April 15, 2004, will not be required to meet this requirement until the first renewal.

ITEM 7. Renumber rules **645—61.6(157)** to **645—61.8(272C)** as **645—61.7(157)** to **645—61.9(272C)** and rules **645—61.9(272C)** to **645—61.21(157)** as **645—61.11(272C)** to **61.23(157)** and adopt the following **new** rules:

645—61.6(147) Duplicate certificate or wallet card for salons.

61.6(1) A duplicate wallet card or duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed. A duplicate wallet card or duplicate certificate shall only be issued under such circumstances.

61.6(2) A duplicate salon wallet card or certificate shall be issued upon receipt of a completed application and receipt of the fee as specified in 645—subrule 62.1(5).

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

61.6(3) If the board receives a completed application stating that the owner of the salon has not received the wallet card or certificate within 60 days after being mailed by the board, no fee shall be required for reissuing the duplicate wallet card or certificate.

645—61.10(147) Duplicate certificate or wallet card for schools.

61.10(1) A duplicate wallet card or a duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed. A duplicate wallet card or a duplicate certificate shall only be issued under such circumstances.

61.10(2) A duplicate school wallet card or duplicate certificate shall be issued upon receipt of the completed application and receipt of the fee as specified in 645—subrule 62.1(5).

61.10(3) If the board receives a completed application stating that the owner of the school has not received the wallet card or certificate within 60 days after being mailed by the board, no fee shall be required for issuing the duplicate wallet card or duplicate certificate.

ITEM 8. Amend subrule 62.1(5) as follows:

62.1(5) Duplicate *or reissued* licensee fee shall be \$10.

ITEM 9. Amend rule 645—63.3(157) as follows:

645—63.3(157) Display of licenses.

63.3(1) The license of the salon or school along with the current ~~renewal~~ *wallet card* shall be posted and visible to the public.

63.3(2) The original license *certificate*, duplicate license certificate, *reissued certificate* or temporary permit, ~~and the current renewal~~ certifying that the practitioner is licensed or the trainee is certified by the board shall be visibly displayed for each licensee or trainee. An agent of the board may request a photo I.D. for verification.

63.3(3) *Each licensee shall:*

- a. Display the current license card with the certificate; or*
- b. Have the current wallet card in the licensee's possession.*

EXCEPTION: A licensee who was issued an initial license between October 1, 2002, and April 15, 2004, will not be required to meet this requirement until completion of the first renewal.

ITEM 10. Rescind 645—Chapter 65 and adopt the following **new** chapter in lieu thereof:

CHAPTER 65

DISCIPLINE FOR COSMETOLOGY ARTS AND SCIENCES LICENSEES, INSTRUCTORS, SALONS, AND SCHOOLS

645—65.1(157,272C) Definitions.

"Board" means the board of cosmetology arts and sciences examiners.

"Discipline" means any sanction the board may impose upon cosmetology arts and sciences licensees, instructors, salons, and schools.

"Licensure" means the granting of a license to any person or entity licensed to practice pursuant to Iowa Code chapter 157 and 645—Chapters 60 to 65, Iowa Administrative Code.

645—65.2(157,272C) Grounds for discipline. The board may impose any of the disciplinary sanctions provided in rule

645—65.3(157,272C) when the board determines that any of the following acts or offenses have occurred:

65.2(1) Fraud in procuring a license. Fraud in procuring a license includes, but is not limited to, the following:

- a. An intentional perversion of the truth in making application for a license to practice in this state;*
- b. False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state; or*
- c. Attempting to file or filing with the board or the department of public health any false or forged diploma or certificate or affidavit or identification or qualification in making an application for a license in this state.*

65.2(2) Professional incompetency. Professional incompetency includes, but is not limited to:

- a. A substantial lack of knowledge or ability to discharge professional obligations within the scope of practice;*
- b. A substantial deviation from the standards of learning or skill ordinarily possessed and applied by other licensees in the state of Iowa acting in the same or similar circumstances;*
- c. A failure to exercise the degree of care which is ordinarily exercised by the average licensee acting in the same or similar circumstances;*
- d. Failure to conform to the minimal standard of acceptable and prevailing practice in this state.*

65.2(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

65.2(4) The use of untruthful or improbable statements in advertisements. Use of untruthful or improbable statements in advertisements includes, but is not limited to, acts which constitute making false, deceptive, misleading or fraudulent representations in the practice of the profession.

65.2(5) Practice outside the scope of the profession.

65.2(6) Habitual intoxication or addiction to the use of drugs.

a. The inability of a licensee to practice with reasonable skill and safety by reason of the excessive use of alcohol on a continuing basis.

b. The excessive use of drugs which may impair a licensee's ability to practice with reasonable skill or safety.

65.2(7) Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

65.2(8) Falsification of client records.

65.2(9) Acceptance of any fee by fraud or misrepresentation.

65.2(10) Misappropriation of funds.

65.2(11) Negligence in the practice of the profession. Negligence in the practice of the profession includes a failure to exercise due care, including improper delegation of duties or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair a practitioner's ability to safely and skillfully practice the profession.

65.2(12) Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

65.2(13) Violation of a regulation, rule, or law of this state, another state, or the United States, which relates to the practice of the profession.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

65.2(14) Revocation, suspension, or other disciplinary action taken by a licensing authority of this state, another state, territory or country; or failure to report such action within 30 days of the final action by such licensing authority. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, such report shall be expunged from the records of the board.

65.2(15) Failure of a licensee or an applicant for licensure in this state to report any voluntary agreements restricting the individual's practice of the profession in another state, district, territory or country.

65.2(16) Failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred.

65.2(17) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

65.2(18) Engaging in any conduct that subverts or attempts to subvert a board investigation.

65.2(19) Failure to comply with a subpoena issued by the board or failure to cooperate with an investigation of the board.

65.2(20) Failure to respond within 30 days of receipt of communication from the board which was sent by registered or certified mail.

65.2(21) Failure to comply with the terms of a board order or the terms of a settlement agreement or consent order.

65.2(22) Failure to pay costs assessed in any disciplinary action.

65.2(23) Knowingly aiding, assisting, or advising a person to unlawfully practice the profession.

65.2(24) Failure to report a change of name or address within 30 days after the occurrence.

65.2(25) Failure to return the salon license to the board within 30 days of discontinuance of business under that license.

65.2(26) Representing oneself as a licensed individual or entity when one's license has been suspended or revoked, or when one's license is lapsed or has been placed on inactive status.

65.2(27) Permitting another person to use one's license for any purpose.

65.2(28) Permitting an unlicensed employee or person under the licensee's or the licensed school's or salon's control to perform activities that require a license.

65.2(29) Permitting a licensed person under the licensee's or the licensed school's or salon's control to practice outside the scope of the person's license.

65.2(30) Submission of a false report of continuing education or failure to submit the biennial report of continuing education.

65.2(31) Failure to report another licensee to the board for any violations listed in these rules, pursuant to Iowa Code section 272C.9.

65.2(32) Unethical conduct. In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct may include, but is not limited to, the following:

- a. Verbally or physically abusing a client or coworker.
- b. Improper sexual contact with or making suggestive, lewd, lascivious or improper remarks or advances to a client or coworker.
- c. Betrayal of a professional confidence.
- d. Engaging in a professional conflict of interest.

e. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

f. Being adjudged mentally incompetent by a court of competent jurisdiction.

65.2(33) Performing any of those practices coming within the jurisdiction of the board pursuant to Iowa Code chapter 157, with or without compensation, in any place other than a licensed salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in Iowa Code section 158.1. **EXCEPTION:** A licensee may practice at a location that is not a licensed salon or school of cosmetology arts and sciences when extenuating circumstances related to the physical or mental disability or death of a customer prevent the customer from seeking services at the licensed salon or school.

65.2(34) Repeated failure to comply with standard precautions for preventing transmission of infectious diseases as issued by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

645—65.3(157,272C) Method of discipline. The board has the authority to impose the following disciplinary sanctions:

1. Revocation of license.
2. Suspension of license until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period the licensee's engaging in specified procedures, methods, or acts.
4. Probation.
5. Require additional education or training.
6. Require a reexamination.
7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
8. Impose civil penalties not to exceed \$1000.
9. Issue a citation and warning.
10. Such other sanctions allowed by law as may be appropriate.

645—65.4(272C) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring a high standard of professional care for the citizens of this state;
2. The facts of the particular violation;
3. Any extenuating facts or other countervailing considerations;
4. The number of prior violations or complaints;
5. The seriousness of prior violations or complaints;
6. Whether remedial action has been taken; and
7. Such other factors as may reflect upon the competency, ethical standards, and professional conduct of the licensee.

These rules are intended to implement Iowa Code chapters 147, 157 and 272C.

[Filed 8/14/03, effective 10/8/03]

[Published 9/3/03]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/3/03.

ARC 2722B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers hereby amends Chapter 120, "Administrative and Regulatory Authority for the Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers"; amends Chapter 121, "Licensure of Hearing Aid Dispensers"; and rescinds Chapter 124, "Discipline for Hearing Aid Dispensers," Iowa Administrative Code, and adopts new Chapter 124 with the same title.

The amendments adopt new subrules for the conduct of persons who attend public meetings, requirements for notifying the Board of a name or address change and criteria for obtaining a duplicate license. The amendments also adopt a new discipline chapter that contains standard language which is being used by all boards regulated by the Division of Professional Licensure.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 28, 2003, as **ARC 2484B**. A public hearing was held on June 20, 2003, from 9 to 11 a.m. in the Professional Licensure Conference Room, Fifth Floor, Lucas State Office Building, Des Moines, Iowa. No public comments were received at the hearing.

The following changes have been made to rule 645—121.12(154A,147) of the Notice of Intended Action:

- The term "renewal card" has been changed to "wallet card" throughout the rule because the first card issued at the time of initial licensure will not be a renewal card.
- The statement in subrule 121.12(1), "A duplicate wallet card or duplicate certificate shall only be issued for such circumstances," is not adopted, to be consistent with the requirements of Iowa Code section 154A.18.
- Subrules 121.12(2) and 121.12(3) are reworded to clarify that an application must be submitted to the board before a duplicate license or duplicate certificate will be reissued.

Rule 645—121.12(154A,147) now reads as follows:

"645—121.12(154A,147) Duplicate certificate or wallet card.

"121.12(1) A duplicate wallet card or duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed.

"121.12(2) A duplicate wallet card or duplicate certificate shall be issued upon receipt of the completed application and receipt of the fee as specified in rule 645—125.1(147).

"121.12(3) If the board receives a completed application stating that the wallet card or certificate was not received within 60 days after being mailed by the board, no fee shall be required for issuing the duplicate wallet card or duplicate certificate."

The Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers adopted these amendments on August 4, 2003.

These amendments will become effective October 8, 2003.

These amendments are intended to implement Iowa Code chapters 21, 147, 154A and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the

Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [120.4, 120.6, 121.12, 121.13, Ch 124] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 2484B**, IAB 5/28/03.

[Filed 8/14/03, effective 10/8/03]
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[For replacement pages for IAC, see IAC Supplement 9/3/03.]

ARC 2723B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Social Work Examiners amends Chapter 279, "Administrative and Regulatory Authority for the Board of Social Work Examiners"; amends Chapter 280, "Licensure of Social Workers"; rescinds Chapter 282, "Discipline for Social Workers," and adopts new Chapter 282, "Practice of Social Workers"; and renumbers Chapter 283, "Fees," as Chapter 284 and adopts new Chapter 283, "Discipline for Social Workers," Iowa Administrative Code.

These amendments adopt new subrules for the conduct of persons who attend public meetings, requirements for notifying the Board of a name or address change, and criteria for obtaining a duplicate certificate or wallet card. These amendments also adopt new practice and discipline chapters.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 11, 2003, as **ARC 2514B**. A public hearing was held on July 1, 2003, from 9 to 11 a.m. in the Professional Licensure Conference Room, Fifth Floor, Lucas State Office Building, Des Moines, Iowa. No public comments were received at the hearing.

The following changes have been made to the Notice of Intended Action:

- In rule 645—280.12(272C), the term "renewal card" has been changed to "wallet card" because the first card issued at the time of initial licensure will not be a renewal card. The rule is reworded to clarify that an application must be completed in order to obtain a duplicate wallet card or a duplicate certificate. The rule now reads as follows:

"645—280.12(272C) Duplicate certificate or wallet card.

"280.12(1) A duplicate wallet card or duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed. A duplicate wallet card or duplicate certificate shall only be issued for such circumstances.

"280.12(2) A duplicate wallet card or duplicate certificate shall be issued upon receipt of the completed application and receipt of the fee as specified in rule 645—284.1(147,154C).

"280.12(3) If the board receives the completed application, stating that the wallet card or certificate was not received within 60 days after being mailed by the board, no fee shall be required to issue a duplicate wallet card or duplicate certificate."

- Paragraph 283.2(29)"a" is revised by adding the word "coworker," and the paragraph now reads as follows:

"a. Verbally or physically abusing a client or coworker."

These amendments were adopted by the Board of Social Work Examiners on August 11, 2003.

PROFESSIONAL LICENSURE DIVISION[645](cont'd)

These amendments will become effective October 8, 2003.

These amendments are intended to implement Iowa Code chapters 17A, 21, 147, 154C and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [279.4, 279.6, 280.12, 280.13, Chs 282 to 284] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 2514B**, IAB 6/11/03.

[Filed 8/14/03, effective 10/8/03]
[Published 9/3/03]

[For replacement pages for IAC, see IAC Supplement 9/3/03.]

ARC 2720B**PROFESSIONAL LICENSURE
DIVISION[645]****Adopted and Filed**

Pursuant to the authority of Iowa Code section 147.76, the Board of Speech Pathology and Audiology Examiners hereby amends Chapter 299, "Administrative and Regulatory Authority for the Board of Speech Pathology and Audiology Examiners," Chapter 300, "Licensure of Speech Pathologists and Audiologists," and Chapter 303, "Continuing Education for Speech Pathologists and Audiologists," and rescinds Chapter 304, "Discipline for Speech Pathologists and Audiologists," Iowa Administrative Code, and adopts new Chapter 304 with the same title.

The amendments adopt new subrules for the conduct of persons who attend public meetings, requirements for notifying the Board of a name or address change, and criteria for issuing a duplicate certificate or wallet card. The amendments also amend the requirements for reinstatement from a lapsed license and adopt a new discipline chapter that contains standard language that is used by other boards.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 28, 2003, as **ARC 2512B**. A public hearing was held on June 26, 2003, from 9 to 11 a.m. in the Professional Licensure Conference Room, Fifth Floor,

Lucas State Office Building, Des Moines, Iowa. No public comments were received at the hearing.

The following changes have been made to the Notice of Intended Action:

- The term "renewal card" has been changed to "wallet card" in rule 645—300.13(147) because the first card issued at the time of initial licensure will not be a renewal card. The rule is reworded to clarify that an application must be completed in order to obtain a duplicate wallet card or a duplicate certificate. Rule 645—300.13(147) now reads as follows:
"645—300.13(147) Duplicate certificate or wallet card.

"300.13(1) A duplicate card or duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed. A duplicate wallet card or duplicate certificate shall only be issued for such circumstances.

"300.13(2) A duplicate wallet card or certificate shall be issued upon receipt of a completed application from the licensee and receipt of the fee as specified in rule 645—305.1(147).

"300.13(3) If the board receives a completed application which states that the wallet card or certificate was not received within 60 days after being mailed by the board, no fee shall be required for issuing the duplicate wallet card or certificate."

- The parenthetical implementation in Noticed rule 645—304.1(151) is corrected to 645—304.1(147).

- Paragraph 304.2(29)"a" is revised by adding the word "coworker," and the paragraph now reads as follows:

"a. Verbally or physically abusing a client or coworker."

These amendments were adopted by the Board of Speech Pathology and Audiology Examiners on August 8, 2003.

These amendments will become effective October 8, 2003.

These amendments are intended to implement Iowa Code chapters 17A, 21, 147, and 272C.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [299.4, 299.6, 300.12 to 300.14, 303.6, Ch 304] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 2512B**, IAB 5/28/03.

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[For replacement pages for IAC, see IAC Supplement 9/3/03.]

AGENCY	RULE	DELAY
Insurance Division[191]	15.43(10) [IAB 7/23/03, ARC 2616B]	At its meeting held August 13, 2003, the Administrative Rules Review Committee voted to delay the effective date until adjournment of the 2004 Session of the General Assembly. [Pursuant to §17A.8(9)]
Utilities Division[199]	42.9(3), 42.9(4) [IAB 5/28/03, ARC 2506B]	Effective date of July 2, 2003, delayed 70 days by the Administrative Rules Review Committee at its meeting held June 9, 2003. [Pursuant to §17A.4(5)] At its meeting held August 12, 2003, the Committee voted to delay the effective date until adjournment of the 2004 Session of the General Assembly. [Pursuant to §17A.8(9)]

IOWA LAW ENFORCEMENT ACADEMY

At its August 12, 2003, meeting the Administrative Rules Review Committee voted to object to the “emergency” adoption and implementation of **ARC 2561B**.^{*} The committee members felt this filing presented a number of unresolved issues that could have been best handled by the publication of a Notice of Intended Action prior to implementation and a full opportunity for public input and discussion.

This action is taken pursuant to the authority of Iowa Code §17A.4. The effect of this objection is to terminate the emergency filing 180 days after this objection is filed. During this time the academy may replace this filing with another filing which has been adopted through the normal rule-making process involving notice and public participation.

^{*}Objection to 501—3.12(80B) filed 8/19/03.

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